

## Office of the Secretary of Defense

## § 318.3

Exemption		Section of the Privacy Act
(j)(2)	(k)(1-7)	
Yes .....	No .....	(l)(1) Records stored in NARA records centers
Yes .....	No .....	(l)(2) Records archived before September 27, 1975
Yes .....	No .....	(l)(3) Records archived on or after September 27, 1975
Yes .....	No .....	(m) Applicability to government contractors
Yes .....	No .....	(n) Mailing lists
Yes .....	No .....	(o) Reports on new systems
Yes .....	No .....	(p) Biennial report (Note: Department of Defense requires an annual report)

[57 FR 48992, Oct. 29, 1992, as amended at 62 FR 26390, May 14, 1997]

## APPENDIX C TO PART 317—LITIGATION STATUS REPORT

- (a) Case Name and number:
- (b) Plaintiff(s):
- (c) Defendant(s):
- (d) Basis for Court Action:
- (e) Initial Litigation:
  - (1) Date Complaint or Charges Filed:
  - (2) Court:
  - (3) Court Action:
  - (6) Appeal (if any):
    - (1) Date Appeal Filed:
    - (2) Court:
    - (3) Case Number:
    - (4) Court Ruling:
- (g) Remarks:

## PART 318—DEFENSE SPECIAL WEAPONS AGENCY PRIVACY PROGRAM

Sec.

- 318.1 Purpose and scope.
- 318.2 Applicability.
- 318.3 Designations and responsibilities.
- 318.4 Procedures for requests pertaining to individual records in a record system.
- 318.5 Disclosure of requested information to individuals.
- 318.6 Request for correction or amendment to a record.
- 318.7 Agency review of request for correction or amendment of record.
- 318.8 Appeal of initial adverse Agency determination for access, correction or amendment.
- 318.9 Disclosure of record to persons other than the individual to whom it pertains.
- 318.10 Fees.
- 318.11 Exemption rules.

AUTHORITY: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

SOURCE: 61 FR 63713, Dec. 2, 1996, unless otherwise noted.

**§ 318.1 Purpose and scope.**

(a) This rule implements the provisions of the Privacy Act of 1974, as amended, and adopts the policies and procedures as set forth by the Department of Defense Privacy Program, 32 CFR part 310.

(b) This rule establishes procedures whereby individuals can:

- (1) Request notification of whether Defense Special Weapons Agency (DSWA) maintains or has disclosed a record pertaining to them in any non-exempt system of records;
- (2) Request a copy or other access to such a record or to an accounting of its disclosure;
- (3) Request that the record be amended; and
- (4) Appeal any initial adverse determination of any such request.

(c) Specifies those system of records which the Director, Headquarters, Defense Special Weapons Agency has determined to be exempt from the procedures established by this rule and by certain provisions of the Privacy Act.

(d) DSWA policy encompasses the safeguarding of individual privacy from any misuse of DSWA records and the provides the fullest access practicable by individuals to DSWA records concerning them.

**§ 318.2 Applicability.**

The provisions of this rule apply to Headquarters, Defense Special Weapons Agency (HQ DSWA), and Field Command, Defense Special Weapons Agency (FC DSWA).

**§ 318.3 Designations and responsibilities.**

(a) The General Counsel, Headquarters, Defense Special Weapons Agency, is designated as the Agency Privacy Act Officer.

(1) The Privacy Act Officer is the principal point of contact for privacy matters and is the Agency Initial Denial Authority.

(2) The Privacy Act Officer is responsible for monitoring and ensuring

#### § 318.4

Agency compliance with the DoD Privacy Program in accordance with 32 CFR part 310.

(b) The Director, DSWA, is the Agency Appellate Authority.

(c) The Director, DSWA is responsible for implementing the Agency Privacy Act Program in accordance with the specific requirements of 32 CFR part 310.

(d) Agency component and element responsibilities are set forth in DSWA Instruction 5400.11B,<sup>1</sup> January 12, 1995.

#### **§318.4 Procedures for requests pertaining to individual records in a record system.**

(a) An individual seeking notification of whether a system of records, maintained by the Defense Special Weapons Agency, contains a record pertaining to himself/herself and who desires to review, have copies made of such records, or to be provided an accounting of disclosures from such records, shall submit his or her request in writing. Requesters are encouraged to review the systems of records notices published by the Agency so as to specifically identify the particular record system(s) of interest to be accessed.

(b) In addition to meeting the requirements set forth in section 318.4 of this part, the individual seeking notification, review or copies, and an accounting of disclosures will provide in writing his or her full name, address, Social Security Number, and a telephone number where the requester can be contacted should questions arise concerning the request. This information will be used only for the purpose of identifying relevant records in response to an individual's inquiry. It is further recommended that individuals indicate any present or past relationship or affiliations, if any, with the Agency and the appropriate dates in order to facilitate a more thorough search. A notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746 may also be required.

(c) An individual who wishes to be accompanied by another individual when

<sup>1</sup>Copies may be obtained from Office of General Counsel, Headquarters, Defense Special Weapons Agency, Washington, DC 20305-1000.

#### 32 CFR Ch. I (7-1-98 Edition)

reviewing his or her records, must provide the Agency with written consent authorizing the Agency to disclose or discuss such records in the presence of the accompanying individual.

(d) Individuals should mail their written request to the Office of General Counsel, Defense Special Weapons Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398 or to the office designated in the system notice and indicate clearly on the outer envelope 'Privacy Act Request'.

#### **§318.5 Disclosure of requested information to individuals.**

(a) The Defense Special Weapons Agency, upon receiving a request for notification of the existence of a record or for access to a record, shall acknowledge receipt of the request within 10 working days.

(b) Determine whether or not such record exists.

(c) Determine whether or not such request for access is available under the Privacy Act.

(d) Notify requester of determinations within 30 working days after receipt of such request.

(e) Provide access to information pertaining to that person which has been determined to be available within 30 working days.

(f) Notify the individual if fees will be assessed for reproducing copies of the records. Fee schedule and rules for assessing fees are contained in section 318.11 of this part.

#### **§318.6 Request for correction or amendment to a record.**

(a) An individual may request that the Defense Special Weapons Agency correct, amend, or expunge any record, or portions thereof, pertaining to the requester that he/she believe to be inaccurate, irrelevant, untimely, or incomplete.

(b) Such requests shall specify the particular portions of the records in question, be in writing and should be mailed to the Office of General Counsel, Defense Special Weapons Agency, 6801 Telegraph Road, Alexandria, VA 22310-3398.

(c) The requester shall provide sufficient information to identify the